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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,289	10/16/2000	Lawrence McAllister	10407/459	2190

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EXAMINER	
ENATSKY, AARON L	
ART UNIT	PAPER NUMBER
3713	19

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/690,289	MCALLISTER ET AL.	
	Examiner	Art Unit	
	Aaron L Enatsky	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of the request for reconsideration on 3/20/03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 13-20, 22-23, 25-26, 34-44, 46-47, 55-62, 64-65, 67-68, and 76-83 are rejected under 35 U.S.C. 102(b) as being anticipated by GB Patent No. 2,251,112 to Marchini et al. ("Marchini"). Marchini teaches a gaming machine that includes a touch-screen device for controlling, in conjunction with a computer, a game including a slot machine game (Abstract). Marchini also teaches that the touch screen comprises a transparent screen or window through which the symbols can be displayed, where the symbols can be displayed using either a mechanical reel display or a video screen (2:20-3:12). Furthermore, Marchini includes a plurality of different types of touch type input sensors maybe used including touch, pressure, and proximity sensitivity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 24, 45, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marchini as applied to claims 1-2, 4-5, 13-20, 22-23, 25-26, 34-44, 46-47, 55-62, 64-65, 67-68, and 76-83 above, and further in view of Nolte et al. '070 (Hereafter, Nol). Marchini teaches the above-discussed limitations, but does not teach of a user selectively stopping the spinning reels. Nol teaches a video slot game machine having a user ability to selectively stop individual slot reels (2:33-37). Nol also teaches that video slot games are known to ordinary skill in the art (1:11-13). As both Marchini and Nol both teach games dealing with slot machines, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marchini to include the user selectable stopping of the reels by Nol, to add a sense of operator skill (Nol 1:29-31) to the chance element nature of the slot game.

Claims 4, 34-41, 46, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marchini as applied to claims 1-2, 4-5, 13-20, 22-23, 25-26, 34-44, 46-47, 55-62, 64-65, 67-68, and 76-83 above, and further in view of Bertram et al. (Hereafter, Bert). Marchini teaches the claimed limitations as discussed above, but does not specifically disclose the composition of the touch-screen employed in the gaming machine. Bert teaches of a touch screen to reduce noise and cost (Abstract), applied in a variety of environments including a gaming on a slot machine (2:10-14). Bert also teaches that the touch-screen uses a composite material such as glass in a

CRT (2:1-5), a metallic material (4:1-9), a polymeric material (3:2-6), and a plurality of transducers (4:1-9 and 4:57-64). One would be motivated to combine both Marchini and Bert as they both teach a touch-screen device used in a gaming machine dealing with a slot machine. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marchini, which does not specify a type of touch-screen, to include the touch-screen specifications by Bert to reduce ambient noise and cost. Additionally, although Marchini does not disclose a specific touch-screen, it is further old and well known in the art that various touch-screen devices can be employed interchangeably, therefore merely a design choice as to what touch-screen to employ.

In re claims 12, 54, and 75, Marchini in view of Bert teaches the claimed limitations as discussed above, but does not specifically teach the use of a bezel to protect the transducers. However, Marchini in view of Bert does teach that the electrodes/transducers are located substantially near the exterior edge of a screen, and it is well known that screen have bezels protecting the outer edge of a screen, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to protect the electrodes/transducers by providing covering with the bezel, leaving exposed only necessary components to distinguish a user's touch.

Claims 21, 63, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marchini as applied to claims 1-2, 4-5, 13-20, 22-23, 25-26, 34-44, 46-47, 55-62, 64-65, 67-68, and 76-83 above, and further in view of Wiltshire et al. '602 (Hereafter, Wilt). Marchini teaches the claimed limitations as discussed above, but does not teach of using a plurality of touch panel terminals. Wilt teaches using multiple gaming terminals in a network environment (Fig. 1D) that

can play reel type games (Fig. 5A) utilizing touch-screen using inputs and can interchangeably use a mechanical reel system or combine with an electronic reel system (4:4-29). As Marchini and Wilt deal with mechanical and video slot machines using touch-screen controls, one would be motivated to combine Marchini with Wilt. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Marchini with a networked multitude of touch-screen games to increase game availability and help reduce total system cost (Wilt, Abstract).

Response to Arguments

Applicant's arguments with respect to claims 1-84 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cole '087 teaches that mechanical and video slot displays are interchangeable and are controlled by the same master controller for complete interchangeability. The touch screen or buttons used to user input connect to the same master controller to interpret received user input.

Moody et al. '378 describes a touch screen game that can be applied to a mechanical reel slot machine.

Furry et al. '784 teaches conventional mechanical slot machines are interchangeable with video displays.

Gibson '687 teaches a touch screen maybe fitted to a screen or be place in different orientations to substitute for other existing input devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky
April 16, 2003

S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700